

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-20124-CR-ALTONAGA/Damian

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON WAGNER,

Defendant.

ORDER


THIS CAUSE came before the Court on Defendant's Objections to the Report and Recommendation (DE 91) on Motion to Dismiss Count 5 and Motion to Sever Count 5 of the Superseding Indictment [ECF No. 96], filed on December 23, 2022. Having reviewed the Report and Recommendation [ECF No. 91]; the Transcript [ECF No. 112] of the hearing before the Magistrate Judge; and the entire record; and having made a *de novo* determination¹ with respect to those portions of the Report to which Defendant has formally objected, it is

ORDERED AND ADJUDGED that the Report and Recommendation on Defendant's Motions to Dismiss and Sever Count Five of the Superseding Indictment [**ECF No. 91**] is **ADOPTED** in its entirety, and the Objections [ECF No. 96] are **OVERRULED**. Defendant's Motion to Dismiss [ECF No. 57] and Amended Motion to Sever [ECF No. 65] are **DENIED**.

¹ "The Court need not do over every step done by a magistrate judge on which there was some objection. *De novo* review means review without any deference; it does not mean that a district judge must redo the case without consideration of what the magistrate judge has written." *DeJonge v. Burton*, No. 1:16-cv-980, 2018 WL 4929756, at *1 (W.D. Mich. Oct. 11, 2018) (quotation marks and citation omitted).

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DONE AND ORDERED in Miami, Florida, this 9th day of January, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record